Tribal Laws, Issues and Challenges: A Study of ITDA Utnoor, Erstwhile Adilabad district in Telangana State

A Research Proposal

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1.1. Introduction:

Tribal rights with regards to lands and forests should be respected, The development of tribal's along the line of their own genesis without imposing anything on them, attempts should be made to train and build up a team of tribal themselves to do the work of administration and development.

– Jawaharlal Nehru

Tribals are confined to economic and social backwardness and it is one of the important problems in the country. Tribals in this country can be described as the poorest among the poor. Tribals living in forests and depending on forests for livelihood are being uprooted along with forests. On the one side, they are losing the basic support of life and on the other side they are not being brought into the mainstream of modern Indian development process.

The principle of social justice demands that the marginalized sections of the people be given protection and preferential treatment for furthering their progress and development. The tribals of India constitute one such group who must be supported and protected by the government. The founding fathers of our constitution desired to secure justice, social, economic, and political for all citizens. They, therefore, considered it necessary to provide specific safeguards in the constitution for the Scheduled Castes and Scheduled Tribes, who were the most deprived, weak and vulnerable amongst the various sections of the society.

Article 46 of the Constitution of India provides that "the state shall promote with special care the educational and economic interests of the weaker sections of the people, and in particular of the Scheduled Castes and Scheduled Tribes and shall protect them from social injustice and all forms of exploitation".

Article 244 provides that the administration and control of the Scheduled Areas shall be in accordance with the Fifth Schedule. The Fifth Schedule has often been described as "A Constitution within the Constitution" for the special governance of Scheduled Areas where the populations of Scheduled Tribes are concentrated. An

important feature of the constitutional provisions under the Fifth Schedule is that the legal and institutional frame for the tribal areas is expected to be so designed as to be in consonance with the people and the institutions in these areas. It was on this count that the legislative powers at the State level are vested with the governor in respect of scheduled areas.

The reasons for making special provisions for the Scheduled Areas and Tribes are that as their social and other customs and their way of living are different from the rest of the country and also tribals being backward and not educated, would likely to be taken advantage of and exploited by others. Therefore, it has been felt that they should not be governed by general laws of the land and certain safeguards have to be provided to protect them from exploitation and several Acts and Regulations are passed from time to time with this purpose in mind. But these laws are not stringently implemented. Hence, there is need to research on implementation of tribal laws, issues and challenges in tribal areas. In other words, what are the tribal laws and what are the issues while their implementation and how to overcome the problems.

Historical Background of tribals in study area (Erstwhile Adilabad District)

Adilabad is tribal district in 5th schedule area of the constitution in Telangana state where a series of tribal movements happened from pre independence period. Such as Ramjee Gond (1857-1860) fought against British government from Nirmal. Komaram Bheem (1928-1940) fought agaist Nizam of Hyderabad from Jodenghat (Asifabad Dist). The primary demands of these movements were the rights over their land, forest and water resources. The slogan of Komaram bheem was ***"Jal, Jangal, and Jamin"*** Hamara Hai. After death of Komaram Bheem in this revolt, Nizam government invited an Australian born British Anthropologist named Haimendorf as tribal adviser and to study the problems of tribals in Adilabad district. The study recommended for provision of rights over land, forest, education, water resources to the tribals. In 1946 Nizam Government notified some of the areas as Schedule areas and after independence they were included in 5th schedule area. On advise of Haimendorf government established ITDA at Utnoor in 1975. In addition, in April 20, 1981 at ***Indravelly*** moment, it's similarly ***Jaliyanwalabhagh*** incident. Large number of tribals gathered for the demand of

land rights over forest cultivating land, but police force fired on them to disperse the gathering where 13 people died in the incident.

However, the present situation is also in tensions within tribal groups between *Adivasis and Lambadas*. The growing unrest in among tribals is an out come of the continuing deprivation of tribal people due to exploitation from all sides and unemployment. The backwardness of the Adivasi tribes, inequalities in getting reservation benefits within the tribal group, failure to implement basic Tribal Rights/ Acts such as, *Forest Right Act, 1/70 Act, PESA, SC/ST Sub-plans*)?. Therefore, debates and studies have to be carried out immediately in this field.

Tribal profile of ITDA utnoor, Erstwhile Adilabad district.

The present study would be carried out in the tribal dominant area of Integrated Tribal Development Agency (ITDA) Utnoor of Erstwhile Adilabad district in Telangana State. After reorganization of districts in Telangana State, ITDA, Utnoor spread over four districts namely Adilabad, Asifabad, Nirmal, and Mancherial. As per 2011 census in Telangana State total tribal population constitute 9.08 %. The population of Erstwhile Adilabad district is **27, 41,238** and among them **4, 95,794** people were tribes. There are 32 tribal communities in Telangana State where eight tribes dwelling in the Erstwhile Adilabad district, such as Gond-2,55,403, Lambada 1,43,554, Kolam/Mane- 52,772, Koya-26534, Pardhan- 16,667, Andh-9922, Thoti-8998. Among them Kolam and Thoti are Primitive Tribal Group (PTG) .

2.2 Problems:

In my observation I identified following land related issue of tribals in 5th schedule area

1. Land Transfer Act 1970 (LTR) or 1/70 act has to be implemented properly in 5th schedule area to protect land alienation to non tribals.

2. Exploitation of money lenders by giving debts to tribals with high rate interest.

3. Tribal people are mainly dependent upon the forest products for their livelihood. But when outsiders or non-tribes start interfering and exploiting the natural resources, the tribes have gradually lost control over community resources such as forests.

4. More than 50% land disputes cases related to LTR act in 5th schedule area decided infavour of non-tribals in Special Deputy Collector (SDC) Courts in erstwhile Andhra Pradesh.

5. The tribals have not benefited from the Tribal Sub Plan (TSP) as expected due to lack of awareness among tribals.

6. Tribals are displaced by developmental projects, but not proper rehabilitation provided.

1.3. Objectives:

1. To study the major Tribal laws /Acts in India and Telangana.
2. To examine the socio-economic conditions of tribals of ITDA untoor, erstwhile adilabad district of Telangana State.
3. To analyse the implementation of the tribal Laws/Acts in 5th schedule area of ITDA utnoor, Erstwhile Adilabad District of Telangana State.
4. To assess the awareness and knowledge of tribal people about tribal laws in ITDA utnoor, erstwhile Adilabad district of Telangana State.
5. Role of the ITDA to protect the tribal laws/ rights in tribal areas.
6. To suggest ways and means for making these tribal laws effective in establishing a just society for Tribal's.

1.4. Hypotheses:

1. There is need to proper implementation of tribal laws and Acts in 5th schedule area.

2. Tribals were unaware about tribal rights and Acts.

1.5. Methodology and Data:

To examine the implementation of Tribal Laws and Acts related to 5th schedule area of the constitution and awareness of tribal people about Laws and Acts in ITDA Utnoor, I will follow sample collection methodology as primary source. Integrated Tribal Development Agency (ITDA) in Erstwhile Adilbad district, is located its office at Utnoor mandal. This ITDA covers four districts namely Adilbad, Asifabad, Nirmal, Mancherial after reorganization districts in Telangana State..

This ITDA having 4, 95,794 total tribal population spread over 38 mandals, 866 Grama Panchayats, 1752 Revenue Villages and 3860 hamlets. I selected "Mandal" as sample unit. Since my study is limited to 5th schedule area, I chosen eight agency mandals for the stratified random sampling analysis. They are utnoor, narnoor, indravelly, gadiguda and sirikonda from Adilabad district and jainoor, sirpur (u), and lingapur from Asifabad district.

To study the tribal laws I will be collect data from Secondary Source like ITDA, Central for Economic Social Studies (CESS), Tribal welfare Department of Telangana State Hyderabad, Reports of SC/ST Commission, Tribal welfare ministry of central government and other institutions.

1.6. Significance of the Study:

India has been described as a melting pot of races and tribes. India has the second largest concentration of tribal population in the world next to Africa with 10.40 crore tribal population. In India, approximately there are about 705 Scheduled Tribes who constitute 8.6% of the nation's population and 15 % geographical area as per 2011 censes. Among them 75 tribes are Particularly Vulnerable Tribal Groups (PVTG).

Land and Forest are the only source of livelihood for more than 90% of tribal population even today in agency areas. There were several revolts in tribal areas around forests and land issues for over 200 years. Sri V Raghavaiah (Tribal Revolts, 1971) enumerated more than 200 revolts by tribals all over India. "Out of 76 extremist affected districts, 32 are 5th schedule area districts. Out of 34 most extremist affected districts 19 are 5th schedule area districts", quoted by Dr.V.N.V.K.Sastry, Former Director, Tribal Research Institute, Go A P, Hyderabad. (Source: Secretary, MoPR, GoI Lr. Dt. 21st May, 2010 addressed to the Chief Secretaries of PESA states)

The land is the most important natural source to tribals which provides self-employment, social status, economic and social equality. It provides economic empowerment and security to tribals. But tribal command over land and forest resources in schedule areas is slowly getting eroded. In fact the tribal areas constitutes a very

noteworthy part of backward areas of the country and the areas covered by the tribal sub plan consists of 15% of the total area of the country and 8.6% of the total population.

Even after 70 years of independence, Tribals in the State continue to suffer. The budgetary allocations never reach to the poor and no change in noticed in their life style. Successive governments continue to ignore the welfare of Tribals and whatever promises they make get restricted to either election manifestoes or plans on paper. Their socio economic condition still remains the same with poor implementation of ST sub plans and diverting the funds meant for their economic development it's an emerging research to study in tribal areas through out the India.

In this junction there is need to study the tribal laws, issues and challenges to over come the problems, and awareness among the tribals about land and forest rights. The proper implementation of tribal laws is possible through education and awareness about tribal rights and laws.

1.7. Limitation of the Study:

My geographical area of study is limited to 5th scheduled area of ITDA, Utnoor, Old Adilabad district in Telangana State. I chosen tribal dominant areas of Adilabad and Asifabad districts within ITDA, Utnoor. My scope study is limited to major tribal laws and acts especially applicable to 5th schedule area of Telangana State.

1.8. Structure of the topic /classification of study:

1. Introduction.

2. Review of the literature.

3. Profile study of the ITDA utnoor in Erstwhile Adilabad district.

4. Study of major tribal laws in India with reference to Telangana state.

- Land Transfer Regulation Act or 1/70 Act (Telangana state)
- Panchayath Extension to Schedule Area (PESA) ACT 1996
- Forest Rights ACT 2006
- SC/ST Sub plan

- Right Information Act (RTI) 2005
- SC/ST Prevention of Atrocities Act 1989 (Amended 2014)
- Other Constitutional provisions to tribals.

5. Main field study and Data analysis.

6. Summary and Conclusion.

1.9. Year wise plan of Research work:

First Year: Six months course work, Review of literature, collection of reference books, journals, magazines, articles, web pages.

Second Year:-Field study, Collection and preservation of samples, processing of samples, collect the questionnaires, interviews and discussions.

Third Year: Analysis of statistical data, documentation and presentation of data, calculations, results, discussions, conclusion and summary. Preparation of draft thesis.

1.10. References:

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